

EXHIBIT 9

*Excerpts of January 6, 2023, Deposition of
Commissioner Joseph Giusti*

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 GALVESTON DIVISION
4 HONORABLE TERRY PETTEWAY, *
5 et al., *
6 *
7 Plaintiffs, *
8 *
9 VS. *
10 * Case No. 3:22-cv-00057
11 GALVESTON COUNTY, et al., *
12 *
13 *
14 Defendants. *
15 *
16 *
17 *
18 ORAL AND VIDEOTAPED DEPOSITION OF
19 *
20 JOSEPH GIUSTI *
21 *
22 JANUARY 6, 2023 *
23 *
24 (Reported Remotely) *
25 *
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17 ORAL AND VIDEOTAPED DEPOSITION OF JOSEPH
18 GIUSTI, produced as a witness at the instance of the
19 United States and duly sworn, was taken via
20 videoconference in the above-styled and numbered cause
21 on the 6th day of January, 2023, from 9:23 a.m. to
22 6:01 p.m., before Marsha Yarberry, Certified Shorthand
23 Reporter in and for the State of Texas, reported by
24 machine shorthand, in Galveston, Texas, pursuant to the
25 Federal Rules of Civil Procedure.

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1 Q. (By Mr. Gear) So did you receive any written
2 materials related to criteria during the September
3 meeting?

4 MS. OLALDE: Objection to any
5 attorney-client privileged communications or
6 attorney-client -- attorney work product that may have
7 been addressed or discussed during this meeting.

8 If you're looking only at facts, you may
9 answer only to the extent you have particular facts to
10 share but not communications.

11 Q. (By Mr. Gear) So the question is did you
12 receive any materials.

13 A. I -- probably. I don't recall what.

14 Q. Do you recall what was discussed related to
15 redistricting criteria?

16 MS. OLALDE: Objection, same instruction
17 to the witness not to reveal any attorney-client
18 privileged communications or work product.

19 MR. GEAR: And, again, we reserve the --
20 our argument that attorney-client privilege is not --
21 does not apply to Dale Oldham.

22 Q. (By Mr. Gear) So following the September
23 meeting with yourself, Mr. Ready, and Mr. Oldham, did
24 you have any discussions with commissioners related to
25 redistricting criteria?

1 A. I don't recall, sir.

2 Q. Based on your understanding, was there a
3 decision made to establish redistricting criteria?

4 A. I don't recall that either.

5 Q. So, again, was there redistricting criteria
6 that was established, adopted, during the 2021
7 redistricting process?

8 MS. OLALDE: Objection; asked and
9 answered.

10 THE WITNESS: I don't recall.

11 Q. (By Mr. Gear) Is there any redistricting
12 criteria that you would have considered important
13 during the 2021 redistricting process?

14 A. Yes, sir. I think the important things would
15 have been leveling out the populations, also trying to
16 draw lines that the public understood as far as knowing
17 who their commissioners are. The old lines were kind
18 of confusing at times as to where precincts started and
19 where they ended.

20 Q. Anything else?

21 A. That's the majority. That's it.

22 Q. And so you mentioned Mr. Oldham, the
23 redistricting consultant. Did the county's post-2020
24 census redistricting processes begin at the April 5th,
25 2021, commissioners court?

1 MS. OLALDE: Objection; speculation.

2 You can answer. You can answer.

3 MR. GEAR: Well, let me rephrase that.

4 MS. OLALDE: Sure.

5 Q. (By Mr. Gear) When did the 2021 redistricting
6 process begin for the commissioners court?

7 A. It would have been about the time frame you
8 mentioned. The exact -- sounds about right.

9 Q. And so what was the name of the redistricting
10 firm that you and the commissioners ultimately decided?

11 A. I don't recall the name of the firm. I just
12 remember Mr. Oldham.

13 Q. And what was your understanding of the
14 services that Mr. Oldham would provide to the county
15 commissioners?

16 A. That he would take the census that we were
17 getting in, and he would take that -- the numbers from
18 that and basically lay it out and give us a couple of
19 options to choose from on what he determined was the
20 best and legal maps that he could come up with.

21 Q. And other than Mr. Oldham, was there any other
22 consultant that you personally dealt with during the
23 2021 redistricting process?

24 A. He had a -- he had a demographer, I guess,
25 that did the map -- the actual map drawing, but I never

1 really dealt with him.

2 Q. Did you meet with that demographer at all in
3 any capacity?

4 A. Not that I recall, other than on the Zoom
5 meeting, I believe.

6 Q. Is that the same September Zoom meeting that
7 you referred to?

8 A. No. That would have been later.

9 Q. Do you recall the time period in which he was
10 involved?

11 A. October I want to say.

12 Q. I'm sorry. Did you say you don't recall his
13 name?

14 A. I do not.

15 Q. Did that demographer provide you with any
16 written information or maps of any kind?

17 A. We did look at a couple of maps on Zoom.

18 MS. OLALDE: And, again, I'm going to ask
19 that the witness not reveal any attorney-client
20 privileged communications or work product and instruct
21 him not to answer to that extent.

22 MR. GEAR: And, again, we reserve our
23 rights that to -- against the claim that
24 attorney-client privilege applies to Dale Oldham.

25 Q. (By Mr. Gear) So did you have an opportunity

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1 A. There again, I'm not -- don't know. I didn't
2 really see any support for Map 1 or Map 2.

3 Q. Based on your personal knowledge, what was
4 your understanding of black community support for
5 Map 2?

6 A. Not -- didn't support it, didn't want change.

7 Q. Based on your personal knowledge, what was
8 your understanding of Hispanic community support for
9 Map 2?

10 A. Same.

11 Q. They didn't support it, didn't want change?

12 A. From -- from what little Hispanic response I
13 got. It didn't seem like as many Hispanics responding
14 as African-Americans.

15 Q. And so when you indicated that you received
16 email responses, was that in relation to the posting of
17 Map 1 and 2 to the county website, or did you receive
18 them on some other personal or work emails?

19 A. No. It was on county website.

20 Q. Do you know generally how many comments you
21 received in total?

22 A. I want to say in the neighborhood of 40.

23 Q. So based on those 40 responses that you are
24 aware of, how many of those actually supported Map 1?

25 A. I don't recall.

1 Q. Based on your awareness of the 40 emails that
2 were received, how many of those actually supported
3 Map 2?

4 A. I don't recall.

5 Q. Did you have any communications with any of
6 the other commissioners related to the comments that
7 were received on the county website?

8 A. No, sir.

9 Q. Did anyone from the public submit proposed
10 plans to the commissioners court during the 2021
11 redistricting process?

12 A. I don't recall.

13 Q. Who would that have been submitted to if -- if
14 that were to occur?

15 A. It could have been submitted to any one of us
16 just sent in with an email.

17 Q. Would it have been the procedure if a
18 commissioner received -- well, strike that.

19 So if a community member submits a
20 redistricting plan, what is the procedure if it goes to
21 an individual commissioner?

22 A. There is really no written procedure, but I
23 think what would normally happen is that would be
24 distributed to the judge's office.

25 Q. And would the judge then be responsible to

1 distribute it to the rest of the commissioners?

2 A. I would assume.

3 Q. And based on your -- go ahead.

4 A. But at some point, you know, the question
5 would come in are we discussing this and now do we have
6 more than three people involved in the discussion where
7 we're violating the law.

8 Q. And you're talking about the quorum?

9 A. Yes, sir. As it not being in an open meeting.

10 Q. So was there an effort to avoid creating a
11 quorum during -- at any time during the 2021
12 redistricting process?

13 A. No, sir.

14 Q. So when you talk about the law related to
15 quorums, during the process, for example, I believe the
16 October 2021 meeting where you met with Dale Oldham and
17 you were present and Tyler Drummond and Jed Webb was
18 also present, was that set up in a manner to avoid
19 violating the -- the law that applies to quorums?

20 MS. OLALDE: Objection; form.

21 THE WITNESS: Yes, I would assume it is.
22 That's the reason that on lots of different occasions
23 we'll only have two commissioners together for
24 different things. So if we're hiring -- for instance,
25 if we're hiring our engineer, when we hired him, when

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10 REPORTER'S CERTIFICATION
11 DEPOSITION OF JOSEPH GIUSTI
12 JANUARY 6, 2023

13 I, Marsha Yarberry, Certified Shorthand
14 Reporter in and for the State of Texas, hereby certify
15 to the following:

16 That the witness, JOSEPH GIUSTI, was duly
17 sworn by the officer and that the transcript of the
18 oral deposition is a true record of the testimony given
19 by the witness.

20 I further certify that pursuant to FRCP
21 Rule 30(f)(1) that the signature of the deponent:

22 _____ was requested by the deponent or a
23 party before the completion of the deposition and is to
24 be returned within 30 days from date of receipt of the
25 transcript. If returned, the attached Changes and

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1 Signature pages contain any changes and the reasons
2 therefor;

3 xx was not requested by the deponent or a
4 party before the completion of the deposition.

5 I further certify that the amount of time used
6 by each party at the deposition is as follows:

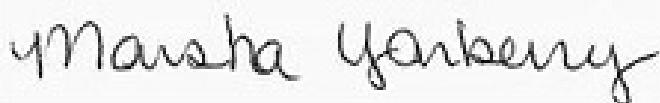
7 Mr. Bruce Gear - 4 hours, 44 minutes

8 Ms. Valencia Richardson - 39 minutes

9 Mr. Andrew Silberstein - 1 hour, 35 minutes.

10 I further certify that I am neither counsel
11 for, related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken. Further, I am not a relative or employee of any
14 attorney of record, nor am I financially or otherwise
15 interested in the outcome of the action.

16 Subscribed and sworn to on this the 26th day
17 of January, 2023.

18
19 
20

MARSHA YARBERRY, TEXAS CSR

21 Expiration Date: 07/31/24

22 Veritext Legal Solutions

23 Firm Registration No. 571

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